UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
DIVISION OF JUDGES

UNITED STATES POSTAL SERVICE

and 07–CA–117584

LOCAL 307, NATIONAL POSTAL MAIL HANDLERS UNION (NPMHU), A DIVISION OF THE LABORERS' INTERNATIONAL UNION OF NORTH AMERICA, AFL–CIO

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for the General Counsel.
Roderick Eves, Esq.
for the Respondent.

DECISION

STATEMENT OF THE CASE

THOMAS M. RANDAZZO, Administrative Law Judge. This case was tried in Detroit, Michigan on October 6–7, 2014. Local 307, National Postal Mail Handlers Union (NPMHU), a Division of the Laborers' International Union of North America, AFL–CIO (the Charging Party or Union) filed the instant charge on November 21, 2013,[1] and the General Counsel issued the complaint on August 29, 2013, alleging that the United States Postal Service (the Respondent) violated Section 8(a)(5) and (1) of the National Labor Relations Act (the Act) since on or about October 23, 2013, by its refusal to furnish the Union with information it requested which was necessary and relevant to the performance of its duties as the servicing representative of the collective bargaining unit.

On the basis of the entire record,[2] my determination of credible evidence,[3] and after considering the briefs filed by the General Counsel and the Respondent, I make the following:

[1] All dates are in 2013 unless otherwise indicated.

[2] Abbreviations used in this decision are as follows: "Tr." for transcript; "GC Exh." for General Counsel's Exhibit; "R. Exh." for Respondent's Exhibit; "GC Brief." for the General Counsel's Brief; and "Resp. Brief." for Respondent's brief.

[3] In making my findings regarding the credible evidence, including the credibility of witnesses, I considered the testimonial demeanor of such witnesses, the content of their testimony, and the inherent probabilities based on the record as a whole.

FINDINGS OF FACT

I. JURISDICTION

The Respondent admits and I find that the National Labor Relations Board (the Board) has jurisdiction over it by virtue of Section 1209 of the PRA, and that the Union is a labor organization within the meaning of Section 2(5) of the Act.

II. ALLEGED UNFAIR LABOR PRACTICES

A. Background

The Respondent provides postal services and operates various facilities nationwide. At all material times, the Respondent has recognized the Union as the exclusive collective-bargaining representative of the unit of mail handler employees at its Grand Rapids, Patterson Avenue, Michigan, facility, the only facility involved herein. That recognition has been embodied in successive collective-bargaining agreements, the most recent of which is effective by its terms from November 21, 2011 through May 20, 2016.

At its Patterson Avenue facility, the Respondent maintains and operates an Automatic Parcel and Bundle System (APBS) which pulls mail from its operating system and places it in containers. In August 2013, employee David Mondry successfully bid on, and was awarded, a mail handler job on that machine which was identified as "JSID 70868495." In October 2013, Mondry bid on and was awarded a different position, thereby causing the JSID 70868495 position to become vacant.

B. The Reversion of Positions

The record establishes that "reversion" of a position occurs when, after an incumbent employee vacates a position via reassignment, promotion, retirement, etc., the Respondent determines not to keep the position and it is eliminated. Article 12.3 of the collective-bargaining agreement, entitled "Principles of Posting," in subsection (B)(3), includes the following language with regard to "reversion" of a position:

> All vacant or newly established craft duty assignments shall be posted for employees eligible to bid within 10 days after a determination has been made that the position is not to be reverted. If a vacant duty assignment has not been posted within 30 days, the installation head or the installation head's designee shall advise the Union in writing, of the length of time such posting will remain vacant. If the vacant assignment is reverted, a notice shall be posted within 10 days advising of the action taken and the reasons therefore. In addition, a copy of the notice shall be provided to the appropriate Union representative. (R. Exh. 6)

The collective-bargaining agreement provides in article 3 (the "Management Rights" clause), that the Respondent has the exclusive right to hire, promote, transfer, assign, and retain employees in positions; to maintain the efficiency of operations; and to determine the methods,

means, and personnel by which such operations are to be conducted. (R. Exh. 6). It is undisputed that this provision of the contract provides the Respondent the exclusive right to decide whether to revert positions, and the record establishes that there are no particular documents or reports the Respondent must consider when reverting a vacant position.

C. The Respondent's Reversion of Position JSID 70868495

On October 17, the Respondent notified the Union of its decision to revert vacant position JSID 70868495, by posting a Notice of Reversion. (R. Exh. 1). John Gibbons, Respondent's Operations Industrial Engineer, credibly testified that he and Senior MDO Vance Dever made the decision to revert the position. According to Gibbon's testimony, he provided Dever with a "job matrix" to make this determination. (R. Exh. 3). Gibbons described the job matrix as follows:

> This is a matrix not dissimilar at all to the same type of info as what Pete Josselyn has from the union standpoint, but this is what management, we use to keep track of each job and each area so you can quickly see who's assigned to that job and what day of the week what the staffing is. So this is for the APBS machine, it's a parcel sorter, and it lists out on tour three all the jobs in the left-hand column, their start time, which is 1930 for all of them and whether or not they work a particular day. If they work Saturday, you'd see one entered; if they don't work, there'd be a zero…. And we try to group them together normally by days of the week so you can see all of the Saturday/Sunday jobs, and that follows down, and then on the bottom there's a total that tells you how many people are scheduled on the APBS each day of the week on tour three. (Tr. 72-73).

Gibbons credibly testified that he and Dever utilized that job matrix in making their decision to revert position JSID 70868495, that the job matrix is always used in making those decisions, and that they did not consider or rely on any other documentation in reaching the decision to revert.

D. The Union's Request for Information and the Information Provided by the Respondent

By letter dated October 23, 2013, the Union, by its Tour 3 Union Steward of 10 years, Peter Josselyn, submitted a request for information to the Respondent, which specifically sought "a copy of the detailed data supporting the reversion of JSID 70868495, Sat/Sun, tour 3 APPS." (GC Exh. 3). Sandra Henkel, Respondent's Administrative Assistant for the Plant Manager of the Greater Michigan District, received the request for information, assigned it tracking number 191, and forwarded the request to Gibbons for response.

On October 28, 2013, the Respondent, by Gibbons, responded to the request for information by providing the Union with a job matrix, via email and inter-office mail. (GC Exh. 4; R. Exh. 2). The job matrix provided is a single page chart or graph for "Tour 3 APPS" which is dated October 28, 2013. It contains 29 different job numbers for the Tour 3 APPS, including "job number 70868495," the position at issue. The matrix contains the following information for each job number or position: the corresponding start times; each day of the week with either a "0" or "1" (apparently showing whether an employee is in that position on that day of the week); a "note" section; the name of the "occupant" for each position; and the "days off" for each

position. As mentioned above, Gibbons credibly testified that the job matrix it supplied was the only document the Respondent relied on in making the decision to revert the position. Gibbons testified that the job matrix reflects mail volume to the extent that it shows "staffing on every day of the week to hit the volume required." (Tr. 86).

E. The Subsequent Communications Between the Parties

Josselyn testified that he saw Gibbons on the morning of October 29 and he told Gibbons that he already had the information provided, and that Gibbons told him to submit another request for information. Although Josselyn admitted that he did not tell Gibbons specifically what documents he needed, nor did he give him examples of such documents, he testified that he told Gibbons that he needed more data because the matrix did not "justify the [Union's] grievance." In addition, on direct examination Josselyn testified that he told Gibbons that he "needed to know if there was a drop in mail volume or the operational window had changed." (Tr. 22). When recounting the same alleged statement on cross-examination, Josselyn testified that he told Gibbons that he "needed more detailed information regarding . . . whether the mail flow had risen or dropped or whether the critical entry time had changed." (Tr. 33). Gibbons testified however, that Josselyn never identified any particular information, documents, or reports that he wished to have produced on the reversion issue, and that he did not recall having any such conversations about specific information requested with Josselyn.

The record establishes that later in the day of October 29, 2013, Josselyn submitted another written request for information pertaining to JSID 70868495. (GC Exh. 5). That request was also assigned to Gibbons for processing and was given tracking number 196 by the Respondent. Josselyn testified that his second request asked for the same information as the October 23rd request, and that his second request did not revise the first request. On or about November 18, 2013, Gibbons responded to the second request for information, providing the Union with what appears to be the same job matrix with the same 29 job numbers/positions, except that job matrix was dated November 18, 2013, and it had some additional notations in the "notes" section of the matrix.

On November 21, 2013, the Union filed the charge in the instant case, alleging failures to provide information for written requests on numerous dates, including October 23, 2013, the date of the instant request for information.

Gibbons testified that after the charge was filed, someone from the Respondent's law department called him and told him the Union had indicated there was additional information needed on the reversion issue. Gibbons then reached out to Josselyn on December 24 via email to inquire about what if any additional information the Union was seeking. In that email Gibbons stated that it was his understanding that the Union wanted additional information, and he specifically asked Josselyn what additional information or reports he was looking for. (R. Exh. 3).

Josselyn, instead of providing Gibbons with the identity of specific documents or reports that he believed were relevant to the reversion issue, simply responded to Gibbons via an email dated December 31, 2013, stating that he was "[l]ooking for any justification for reverting . . . [and] giving [him] a matrix of days off is moot." (R. Exh. 3). By email dated August 26, 2014,

Gibbons informed Jossselyn again that he supplied "all documents we used to generate the decision on the job reversion. No other documents were involved." (R. Exh. 3).

The record establishes that Henkel also reached out to the Union in an attempt to find out what if any other information the Union was requesting pertaining to the reversion of JSID 70868495. In a letter to Union President and State Representative Rita Tripp dated December 22, 2013 (which was also emailed to Tripp on December 23, 2013), Henkel addressed several requests for information to which the Respondent had previously responded, including the request in the instant case with tracking No. 191. In relation to the instant request, Henkel provided the following information:

> 2. Receipt of RFI dated 10/23/13 (Postal RFI No. 191) requesting a copy of "detailed data supporting the reversion of job #70868495, Sat/Sun, Tour 3 APPS."
>
> Information responsive to this RFI See attached document entitled "Tour 3 APPS." This data was the only data relied on or supporting the reversion. The Postal Service has no knowledge of other data supporting the reversion. Should you seek additional information related to the reversion, please specify the information you seek and we will provide it, to the extent it exists. (R. Exh. 4)

Henkel stated at the end of her letter that the Respondent fully complied with providing the documents requested to the Union, "[h]owever, to the extent you determine you are missing requested information, please feel free to contact me to discuss further." (R. Exh. 4)

Gibbons and Henkel testified that neither Josselyn, Tripp, nor anyone else from the Union, ever responded to the Respondent's requests that the Union identify any information or documents it was requesting other than the information that was already provided. When Josselyn testified that he told Gibbons on October 29 that he needed more data because the matrix provided "did not justify the grievance," Josselyn was asked on direct examination if he gave Gibbons examples of what he needed. In response Josselyn testified that he "didn't tell him specifically what – by name." (Tr. 22). Likewise, Tripp admitted that she never identified any information or documents that the Union was seeking on the reversion of JSID 70868495. In that regard, she testified: "I guess in retrospect we made some assumptions that they knew what we were requesting because we requested them before …." (Tr. 46). Thus, it is undisputed that the Union never provided the Respondent with a written request for specific information or documents, despite being asked by the Respondent to do so on several occasions.

F. The Contentions of the Parties

The General Counsel contends in its brief that Josselyn told Gibbons he wanted "information on mail volume and operational changes" prior to submitting the second written request for information, and the Respondent's failure to provide the information constituted a violation of Section 8(a)(5) and (1) of the Act. (Resp. Brief pages 4–5). The Respondent contends to the contrary that it did not violate the Act on the basis that it supplied the information the Union requested which supported its reversion of position JSID 70868495, and that the Union never identified or specifically requested any other information, documents or reports, despite being asked to do so.

G. The Credibility Determinations Pertaining to Whether the Union Modified its October 23, 2013 Written Request for Information by Verbally Identifying Particular Information, Documents, or Reports on the Reversion of Position JSID 70868495

While much of the evidence in this case is documentary in nature and undisputed, as mentioned above, there is one key point on which the Parties differ--whether the Union made a verbal request for information or verbally modified its October 23rd request for information. Josselyn testified that on the morning of October 29 he told Gibbons he already had the information provided, and that Gibbons told him to submit another request for information. While Josselyn admitted not telling Gibbons specifically what documents he needed, he testified that he told Gibbons he needed more data because the matrix did not "justify" their grievance, and that he "needed to know if there was a drop in mail volume or the operational window had changed," or he "needed more detailed information regarding . . . whether the mail flow had risen or dropped or whether the critical entry time had changed."

As mentioned above, Josselyn's testimony in this regard conflicts with Gibbon's unequivocal testimony that Josselyn never identified any particular information, documents, or reports that he wished to have produced on the reversion issue, and that he did not recall having any such conversations about detailed information with Josselyn. Furthermore, Gibbons testified that he never had any conversations with Tripp regarding the instant reversion information request.

Since Josselyn's and Gibbons' testimonies differ on this issue, as the finder of fact, I must determine the credibility of these witnesses. Credibility determinations may rely on a variety of factors, including the context of the witness' testimony, the witness' testimonial demeanor, the weight of the evidence, established or admitted facts, reasonable inferences that may be drawn from the record as a whole, and the inherent probabilities of the allegations. *Double D Construction, Group*, 339 NLRB 303, 305 (2003); *Daikichi Sushi*, 335 NLRB 622, 623 (2001)(citing *Shen Automotive Dealership Group*, 321 NLRB 586, 589 (1996)), enfd. 56 Fed. Appx. 516 (D.C. Cir. 2003). Credibility findings need not be all or nothing propositions. Indeed, nothing is more common than for a judge to believe some, but not all, of the testimony of a witness. *Daikichi Sushi*, 335 NLRB at 622; *Jerry Ryce Builders*, 352 NLRB 1262 fn. 2 (2008), citing *NLRB v. Universal Camera Corp*., 179 F.2d 749, 754 (2d Cir. 1950), revd. on other grounds 340 U.S. 474 (1951). Accord: *General Fabrications Corp.*, 328 NLRB 1114 fn. 1 (1999), enfd. 222 F.3d 218 (6th Cir. 2000). See also *J. Shaw Associates*, *LLC*, 349 NLRB 939, 939–940 (2007).

My overall observation during the trial was that the Respondent's witnesses were largely credible in their testimony and demeanor, and that their testimony was convincing, straight forward, and plausible. On the other hand, Josselyn and Tripp, the General Counsel's two witnesses in this case, testified in a less convincing manner, were somewhat inconsistent and vague in their testimonies, and they presented evidence that was not plausible or supported by the record in this case. Therefore, while much of the evidence in this case is uncontradicted, on those occasions where the testimonies of Josselyn and Tripp conflict with that of the Respondent's witnesses, I credit the Respondent's witnesses and their testimonies over that of the General Counsel's witnesses.

Specifically, with regard to Josselyn, I do not credit his assertion that on October 29 he made a verbal request or modification of his original October 23rd request for information. Although I find it plausible that he told Gibbons he already had similar information in his possession and that he needed more data, which resulted in Gibbons telling him to submit another request for information, I do not credit his assertion that he told Gibbons that he needed information on whether there was a drop in mail volume or changes in the operational window/critical entry time. This credibility finding is supported by the record, which establishes later that same day, Josselyn submitted a second request for information pertaining to the job position in question. However, in that request he failed to state that he was requesting information he allegedly had already requested verbally that morning. I find it implausible that Josselyn would have told Gibbons he was seeking information pertaining to a drop in mail volume and changes to the operational window/critical entry time, and then neglect to request that type of information in the second request for information that he submitted that very same day.

Further evidence that Josselyn's testimony asserting that he verbally modified the request for information on October 29 is not believable or credible, is reflected by his response to Gibbons' email dated December 24, 2013. As mentioned above, after the charge was filed and the Respondent's law department informed Gibbons that the Union needed additional information on the reversion issue, Gibbons reached out to Josselyn via an email dated December 24, inquiring what if any additional information Josselyn was seeking. If Josselyn had indeed requested detailed information on whether there was a drop in mail volume or change in the operational window, as he alleged, it would have been plausible for Josselyn to have responded by telling Gibbons that he had already indicated verbally on the morning of October 29 that he requested detailed data on the drop in mail volume or a change in the operational window. But he did not make any statements to that effect. Instead, Josselyn responded via email that he was looking for "any justification for reverting. . ." and "giving [him] a matrix of days off is moot." He also, for a second time, failed to identify any information or documents pertaining to mail volume or the operational window, or any other specific information that he was requesting. Therefore, Josselyn's assertion that he verbally requested information or verbally modified his original request is implausible and not supported by the record evidence.

The veracity of Josselyn's testimony regarding information he allegedly requested verbally is further called into question when his testimony is compared to his second request for information. As noted above, the first information request dated October 23rd requests the detailed data "supporting the reversion of JSID 70868495." (GC Exh. 3). Even though Josselyn testified that his second request for information (GC Exh. 5) asks for the same information as the first, and that he did not revise it in any way, a review of the second request for information reveals that Josselyn requested detailed data "used to support the creation of JSID 70868495." (GC Exh. 5). Thus, the second request is not identical to the first request as Josselyn asserted. Instead, it requests data supporting the "creation" of that position, rather than the "reversion" of that position. In addition to the fact that Josselyn's testimony is not supported by the record, this distinction is significant because it shows that he did take the time to change the request in some respect. I find it implausible that he would have verbally identified documents showing a drop in mail volume and operational window changes, subsequently take the time to change the wording

of the request, and then neglect to request those specific types of documents he claims he identified verbally.

The record establishes that Josselyn also presented inconsistent testimony. Josselyn, a union steward who filed and processed grievances in the past over the reversion of certain positions, was asked what reports he knew the Respondent had which could be helpful to a reversion issue. He testified: "I personally did not know of any other reports." (Tr. 30) However, he then testified to the contrary that he had in the past requested "end of run" reports, and he knew the Respondent had Form 3971s (involving leave information), Form 1723s (detail assignments to other jobs), and "OWCP" records (on the job injury reports). (Tr. 31–32). This evidence further undermines the credibility of Josselyn's testimony where it conflicts with that of the Respondent's witnesses.

I also find that Rita Tripp's testimony was equally unconvincing and implausible. As the Union President and State Representative for the Union, she was familiar with the reversion of positions, and in particular, the reversion of JSID 70868495. She was also familiar with the requests for information on October 23rd and October 29th and she advised Josselyn in making the requests for information, testifying that the Union wanted what the Respondent was "relying on" for the reversion (Tr. 47). Tripp testified that she also was familiar with some of the Respondent's reports, such as "run plant reports," "break through productivity indexes," "machine run reports," "area mail processing studies," "hours analyses," and "mail condition reports." While acknowledging that neither she, Josselyn, nor anyone else from the Union, ever identified any of those reports to the Respondent for production on this issue, and specifically never requested those reports in writing, she nevertheless testified that those items were identified by the Union in "verbal requests." (Tr. 54)

I find that Tripp's vague testimony in this regard is unbelievable and implausible, as her assertion that the Union somehow made verbal requests for information regarding the reversion of JSID 70868495 is neither credible nor supported by the record. The record is devoid of any evidence of specific verbal requests for information regarding the reversion in question, and as mentioned above, I have specifically discredited Josselyn's testimony that he made a verbal request for information or verbal modification of his October 23rd request for information. In addition, Tripp's testimony is implausible because she never responded to Henkel's December 22nd letter in which Henkel informed Tripp that the job matrix was the only data relied on or supporting the reversion, and that the Respondent had no knowledge of other data supporting the reversion. In that letter, Henkel specifically told Tripp that if she sought additional information related to the reversion, to please specify the information and the Respondent would provide it, to the extent it existed. In addition, Henkel stated that if Tripp determined the Union was missing requested information, to please contact her and they could discuss it further. (R. Exh. 4). Tripp, however, never identified any information or documents she was requesting, never contacted Henkel regarding information sought, and admitted that the Union "made some assumptions that [the Respondent] knew what we were requesting…." (Tr. 46).

If in fact Tripp, or anyone acting on the Union's behalf, made verbal requests for information regarding the reversion of JSID 70868495 as she alleged, I find it plausible that Tripp would have responded to Henkel's letter by asserting that the Union had already specifically requested the information verbally. Instead, she said nothing, neglecting to even

respond to the letter. I find it plausible that Tripp, as the Union President and State Representative, would know enough to inform the Respondent that verbal requests were made regarding the reversion of that position, she would have stated when such requests were allegedly made, and she would have identified the persons who allegedly made those requests. Instead, she said nothing, establishing that her assertion that the Union made verbal requests is implausible and lacks support in the record.[4]

H. Analysis

It is well settled that an employer's duty to bargain collectively under Section 8(a)(5) of the Act includes the duty to supply requested information to a union that is the collective-bargaining representative of the employer's employees if the requested information is relevant and reasonably necessary to the union's performance of its responsibilities. *NLRB v. Acme Industrial Co.*, 385 U.S. 432, 435–436 (1967); *NLRB v. Truitt Mfg. Co.,* 351 U.S. 149 (1956); see also *Central Soya Co*., 288 NLRB 1402 (1988). This duty is not limited to contract negotiations but extends to requests made during the term of the contract for information relevant to and necessary for contract administration and grievance processing. Disclosure by an employer of requested information "necessary . . . to enable [a union] to evaluate intelligently grievances filed" or contemplated, allows a union to "sift out meritorious claims" and facilitates the arbitral process. *NLRB v. Acme Industrial Co.,* supra at 435, 437–438. The standard for determining the relevancy of requested information is a liberal one and it is necessary only to establish "the probability that the desired information is relevant, and that it would be of use to the union in carrying out its statutory duties and responsibilities." Id. at 437. See also *Leland Stanford Junior University*, 262 NLRB 136, 139 (1982), and cases cited there. It is well established that the duty to furnish requested information requires a reasonable good faith effort to respond to the request as promptly as circumstances allow. *West Penn Power Co., d/b/a Allegheny Power*, 339 NLRB 585, 587 (2003); *Good Life Beverage Co*., 312 NLRB 1060, 1062 fn. 9 (1993).

In this case, the Union submitted a request for information on October 23, 2013, seeking "a copy of the detailed data supporting the reversion of JSID 70868495, Sat/Sun, tour 3 APPS." There is no dispute that the information requested was necessary and relevant to the Union's duties as the collective-bargaining representative of the employees. The Respondent provided the Union with information in the form of a job matrix on October 28, within 5 days of the request.

The General Counsel does not dispute that the Respondent supplied the Union with the information it asserted it relied on to support its decision to revert the position in question. However, the General Counsel appears to argue that the Respondent must have relied on other data or reports in deciding to revert the vacant position. To the contrary, the Respondent's witnesses credibly testified that they only considered the job matrix when determining to revert the position, and that no other information, data or reports were used to support that decision.

[4] In addition, I note that the General Counsel never alleged in the complaint that the Union made a verbal request for information or verbally modified its request for information. The General Counsel only alleged that the Respondent violated the Act by failing to provide information requested in writing by the Union on October 23, 2013. (See GC Exh. 1(d) Complaint paragraphs 10–13).

The General Counsel failed to present any evidence to rebut the Respondent's credible evidence that it relied only on the job matrix as support for its decision, and the record establishes that there are no particular documents or reports that the Respondent must consider when reverting a vacant position under the collective-bargaining agreement. The matrix provided, which contains information for each position (including the position in question), shows the corresponding start times, whether an employee is in that position on each day of the week, the employee in each position, the days off for each position, and, as Gibbons credibly testified, a reflection of mail volume to the extent it shows "staffing on every day of the week to hit the volume required." I find that the Respondent made a diligent effort to provide the information requested in a timely manner and useful form, and that the information provided was clearly responsive to the Union's request. Accordingly the Respondent did not fail to provide the Union with the information it requested as required by Section 8(a)(5) of the Act.

To the extent that the Union sought data or information it believed the Respondent should have considered before reverting the position, the Union could have identified that information and it could have specifically asked for those documents to be produced. In fact, the Union had several opportunities to identify and request that information and it failed to do so. As mentioned above, on October 29 Josselyn told Gibbons he already had the information provided, and Gibbons told him to submit another request for information. Later that day, Josselyn submitted a second written request for information, but never requested any specific documents or information. In fact, besides failing to specify what information he was seeking, he changed the wording of the request to reflect that he was seeking information supporting the "creation" of the job position in question, rather than the "reversion" of the job position.[5] In addition, in the December 24 email Gibbons asked Josselyn what additional information or reports he was looking for, and Josselyn failed to specify or identify any information, documents or reports. Finally, neither Tripp nor Josselyn responded to Henkel's December 23 letter asking the Union to please specify any additional information sought, and the Respondent would send it to them if it existed. Despite these numerous requests to Union Officials Tripp and Josselyn, who were familiar with the job reversion situations, filed and processed grievances over such issues, and were familiar with the many reports for data that the Respondent had at its disposal,[6] the Union never identified or requested any specific information that it wanted with regard to the reversion of position JSID 70868495.

The Respondent had an obligation to furnish the information requested by the Union, and it did so in a timely manner. The Respondent had no duty to read the Union's mind or somehow predict what information it wanted if in fact the information provided was insufficient for its needs. See *Leland Stanford Junior University*, 262 NLRB 136, 148 fn. 18 (1982); See also *Staff Officers*, 277 NLRB 1137, 1149–1150 (1985).

[5] Moreover, the second request for information on October 29, 2013, pertaining to the information supporting the creation of the position in question, was not alleged in the complaint as a violation of the Act.

[6] While there is no evidence that these documents or reports "supported" the Respondent's decision to revert the position in question, the Union could have nevertheless specifically requested that the Respondent provide them.

Based on the above, I find that the evidence does not establish that the Respondent has violated Section 8(a)(5) and (1) of the Act as alleged. Accordingly, I will dismiss the complaint in its entirety.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the Respondent by virtue of Section 1209 of the PRA.

2. The Local 307, National Postal Mail Handlers Union (NPMHU), a Division of the Laborers' International Union of North America, AFL–CIO, is a labor organization within the meaning of Section 2(5) of the Act.

3. The Respondent has not violated Section 8(a)(5) and (1) of the Act as alleged in the complaint.

On these findings of fact and conclusions of law, and on the entire record, I issue the following recommended:[7]

ORDER

The complaint is dismissed in its entirety.

Dated, Washington, D.C. January12, 2015

Thomas M. Randazzo
Administrative Law Judge

[7] If no exceptions are filed as provided by Sec. 102.46 of the Board's Rules and Regulations, the findings, conclusions, and recommended Order shall, as provided in Sec. 102.48 of the Rules, be adopted by the Board and all objections to them shall be deemed waived for all purposes.